

REMARKS/ARGUMENTS

Claims 2-5, 7, 12, 13, 19-22, 24, 29, 36-39, 45-50, 61, 62, 64, 68, 75, 76, 81, 83, and 88 are pending in the caption application.

The Examiner has required restriction under 37 CFR 1.499 and has required Applicants "to elect a single invention to which the claim must be restricted. Group I, claim(s) 2-5, 7, 12 and 13, drawn to polymers having a backbone which is attached to an ester group which is turn linked through an R group to an ester or amido group, or a polymer having a backbone which is attached to an amido group which is turn linked through an R group to an ester, a method of making said polymer and a method of separating or adsorbing biological samples comprising said polymer. If this group is elected, then the below specie election is required.

Group II, claim(s) 19-22, 24 and 29, drawn to polymers having diamido groups attached to the backbone and a method of making said polymer. If this group is elected, then the below specie election is required.

Group III, claim(s) 36 and 37, drawn to polymers having a cyclic crosslinking group. If this group is elected, then the below specie election is required.

Group IV, claim(s) 38 and 39, drawn to polymers having a pendant amide group wherein the nitrogen of the amide group is bonded to one hydrogen atom. If this group is elected, then the below specie election is required.

Group V, claim(s) 45, drawn to an adsorption and separation material comprising a temperature-responsive polymer.

Group VI, claim(s) 46-50 and 61, drawn to a polymer having a pendant amide group directly bonded to the backbone via the carbonyl group of the amide functionality and a method of making, thereof.

Group VII, claim(s) 62 and 64, drawn to a polymer having a pendant amide group wherein the carbonyl group is directly bonded to the backbone and the nitrogen is a member of a piperidine ring.

Group VIII, claim(s) 68, drawn to a polymers having two pendant groups comprising an amide group wherein the carbonyl group is directly bonded to the backbone and the nitrogen is a member of a piperidine ring and a second pendant group comprising an amide or an ester.

Group IX, claim(s) 75 and 76, drawn to a polymer having a pendant amide group wherein the carbonyl group is directly bonded to the backbone and the nitrogen is a member of a ring having at least one other nitrogen atom. If this group is elected, then the below specie election is required.

Group X, claim(s) 81 and 83, drawn to drawn to a polymer having at least two pendant groups comprising an amide group wherein the carbonyl group is directly bonded to the backbone and the nitrogen is a member of a ring having at least one other nitrogen atom and a second pendant group comprising an amide or an ester. If this group is elected, then the below specie election is required.

Group XI, claim(s) 88, drawn to a polymer having two pendant groups wherein one group is a benzene ring and the second pendant group is an acid amide or an ester. If this group is elected, then the below specie election is required.”

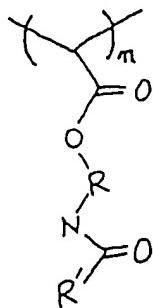
The Examiner states, “The inventions listed as Groups I-XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: There is a lack of unity of the invention *a posteriori*. The special technical feature is that the polymers are ‘temperature sensitive’ due to the functional groups attached to the polymer backbone. EP 301301 discloses temperature sensitive polymers for separating and recovering substances by electrophoresis. Such polymers include poly(N-acryloyl piperidine), poly(N-alkyl or N-cycloalkyl acrylamide) and so on (col. 4, lines 18-40). The requisite unity of invention therefore no longer exists inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in does not exist among the groups of polymers.”

In response, Applicants elect, without traverse, to prosecute the claims of Group I, namely claims 2-5, 7, 12 and 13. This election without traversal is made without regards to the propriety of restricting Groups II through XI, and Applicants reserve the right to traverse the restriction and prosecute any subject matter not examined here in one or more divisional application(s).

Further, the Examiner states, “**If Group I is elected**, Applicant is required to select a polymer wherein the backbone is bonded to one of four types of linear pendant

depicted in claim 2. For the purpose of clarity, Applicant is requested to include the structure of the elected linear backbone. The polymer backbones comprising hydrogen (first row of polymers) or a methyl group (second row of polymers) will be examined with the choice of linear backbone. **Also, if Group I is elected,** Applicant is required to select the divalent R group comprising a hydrocarbon group or an aromatic ring.”

In response, Applicants elect the polymer background shown as the first polymer backbone in claim 2, namely:



Further, Applicants elect to prosecute the divalent R group comprising a linear or branched aliphatic hydrocarbon having 1 to 8 carbon atoms.

Applicants stand ready to cancel the non elected claims upon receipt of the Notice of Allowability of the elected claims.

In view of the foregoing, Applicants believe that the elected claims, 2-5, 7, 12 and 13, are in allowable form and earnestly solicit there allowance.

Appl. No. 09/890,447
Amendment dated July 9, 2004
Reply to Office action of June 24, 2004

Early and favorable action is earnestly solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 9, 2004.

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